

Appln. No. 10/719,239
Amendment dated March 6, 2006
Reply to Office Action mailed October 4, 2005

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 12, 14, and 16 through 19 remain in this application. Claims 13 and 15 have been cancelled. Claims 6 through 12 and 14 have been withdrawn. Claims 20 and 21 have been added.

Paragraph 2 of the Office Action

Claims 1 and 15 have been objected to for the informalities noted in the Office Action.

Claim 1 has been amended in a manner believed to clarify any informalities in the language. Specifically, "a" has been changed to "an".

Withdrawal of the objection to claim 1 is therefore respectfully requested.

Paragraphs 2 through 8 of the Office Action

Claims 1 through 5 have been rejected under 35 U.S.C. §102(b) as being anticipated by Malmgren.

Claims 1 through 5 and 15 through 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by Bracewell.

Claims 15 through 18 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Malmgren.

Claims 18 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bracewell.

Claim 1, particularly as amended, requires "an arm member pivotally coupled to said frame, said arm member having a first end and a second end, said arm member being pivotally coupled to said frame at a pivot location between said first and second ends", "wherein a first portion of said arm

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member is located between said pivot location and said first end and a second portion of said arm member is located between said pivot location and said second end", "a shear blade mounted on the first portion of said arm member for shearing materials against said horizontal support member when said piston is retracted into said hydraulic cylinder", "a punch assembly mounted on the second portion of said arm member and a punch mating assembly mounted on said frame member, said punch mating assembly being aligned with said punch assembly such that said punch assembly engages said punch mating assembly when said first end of said arm member is moved away from said frame by said piston", "a second horizontal support member mounted on and extending between said two vertical stanchions for supporting the piece of metal being worked" and "a ram member mounted on the first portion of said arm member and extending downwardly from said arm member toward said second horizontal support member for transferring a force from said arm member to a workpiece positioned on said second support member".

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Malmgren and Bracewell set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 1. Further, claims 2 through 5 and 16 through 18, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §102(b) and §103(a) rejections of claims 1 through 5 and 16 through 18 is therefore respectfully requested.

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Paragraph 9 of the Office Action

Paragraph 9 of the Office Action states that claim 19 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

The above amendment incorporates the limitations of claim 15 (in its original form) into the recitation of claim 19, and therefore claim 19 is believed to be in condition for allowance.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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